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**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION**

MARC SILVER, HEATHER PEFFER,  
 ALEXANDER HILL, individually and on  
 behalf of all others similarly situated,

Plaintiffs,

vs.

BA SPORTS NUTRITION, LLC,

Defendant.

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Case No. 3:20-cv-00633-SI

**PLAINTIFFS' REQUEST FOR LEAVE  
 TO FILE PLAINTIFFS' AMENDED  
 REPLY IN FURTHER SUPPORT OF  
 MOTION TO QUASH SUBPOENAS TO  
 PRODUCE DOCUMENTS,  
 INFORMATION, OR OBJECTS OR TO  
 PERMIT INSPECTION OF PREMISES IN  
 A CIVIL ACTION**

Judge: Hon. Susan Illston  
 Courtroom: 1, 17<sup>th</sup> Floor  
 Hearing Date: November 10, 2020  
 Hearing Time: 10:00 a.m.

1 In its October 23, 2020 opposition to Plaintiffs' Motion to Quash [Dkt. 68], Defendant BA  
 2 Sports Nutrition, LLC argued that the subpoenas it issued to Plaintiffs' counsel were proper and  
 3 should not be quashed. As part of its argument, Defendant relied on this Court's decision in *Clark*  
 4 *v. The Hershey Co.*, No. C 18-06113 WHA, 2019 WL 913603 (N.D. Cal. Feb. 25, 2019), for  
 5 support. *Id.* at 15.

6 While Plaintiffs immediately distinguished *Hershey* in their Reply in further support of  
 7 their Motion to Quash [Dkt. 69], they did not learn how disingenuous Defendant's reliance on  
 8 *Hershey* as support for the subpoenas actually was until October 27, 2020. On this date, Plaintiffs  
 9 learned far more than appeared through research on Westlaw. Contrary to Defendant's contention  
 10 of support, in *Hershey*, Judge Alsup *sanctioned* Defense counsel BraunHagey & Borden LLP and  
 11 the law firm quickly thereafter withdrew from the case. *See* Am. Decl. of Maia Kats, dated Oct.  
 12 27, 2020, Ex. 2.

13 Accordingly, Plaintiffs request that their Amended Reply in Further Support of Motion to  
 14 Quash Subpoenas, which remains timely pursuant to the Court's briefing schedule and is attached  
 15 hereto, be accepted.

16 Respectfully submitted,

17 DATED: October 27, 2020

By: /s/ Laurence D. King

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